



February 12, 2016

ENGROSSED SENATE BILL No. 81

DIGEST OF SB 81 (Updated February 10, 2016 2:42 pm - DI 69)

Citations Affected: IC 33-23; IC 33-38; IC 33-42.

Synopsis: Senior judges, judges pro tempore, and oaths. Allows: (1) a senior judge; or (2) a judge pro tempore; serving in a county that has a probate court, a circuit court, or a superior court judge to, with the consent of the judge of the probate court, circuit court, or a superior court in the county, sit as the judge of the consenting judge's court in any matter as if the senior judge or judge pro tempore were the elected judge or appointed judge of the court. Provides that a judge pro tempore may serve as a judge of a court regardless of whether the appointed or elected judge of the court is present and available in the building that contains the court. Provides that justices and judges of courts may administer oaths anywhere in Indiana.

Effective: July 1, 2016.

**Young R Michael, Steele,
Randolph Lonnie M, Bray, Delph,
Glick, Head, Zakas, Broden, Taylor**
(HOUSE SPONSOR — STEUERWALD)

January 5, 2016, read first time and referred to Committee on Judiciary.
January 14, 2016, amended, reported favorably — Do Pass.
January 19, 2016, read second time, ordered engrossed. Engrossed.
January 21, 2016, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

February 8, 2016, read first time and referred to Committee on Courts and Criminal Code.
February 11, 2016, amended, reported — Do Pass.

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February 12, 2016

Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 81

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 33-23-3-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. **(a)** A senior judge:

3 (1) exercises the jurisdiction granted to the court served by the
4 senior judge;

5 (2) may serve as a domestic relations mediator, subject to the
6 code of judicial conduct;

7 (3) serves at the pleasure of the supreme court; and

8 (4) serves in accordance with rules adopted by the supreme court
9 under IC 33-24-3-7.

10 A senior judge serving as a domestic relations mediator is not entitled
11 to reimbursement or a per diem under section 5 of this chapter. A
12 senior judge serving as a domestic relations mediator may receive
13 compensation from the alternative dispute resolution fund under
14 IC 33-23-6 in accordance with the county domestic relations alternative
15 dispute resolution plan.

16 **(b) A senior judge appointed to serve in a county that has:**

17 **(1) a probate court;**

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1 (2) a circuit court; or
 2 (3) a superior court judge;
 3 may, with the consent of the probate court judge, the circuit court
 4 judge, or any judge of a superior court in the county, sit as the
 5 judge of the consenting judge's court in any matter as if the senior
 6 judge were the elected judge or appointed judge of the court.

7 SECTION 2. IC 33-38-15 IS ADDED TO THE INDIANA CODE
 8 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2016]:

10 **Chapter 15. Judges Pro Tempore**

11 **Sec. 1. A judge pro tempore serving in a county that has:**

12 (1) a probate court;
 13 (2) a circuit court; or
 14 (3) a superior court judge;
 15 may, with the consent of the probate court judge, the circuit court
 16 judge, or any judge of a superior court in the county, sit as the
 17 judge of the consenting judge's court in any matter as if the judge
 18 pro tempore were the elected judge or appointed judge of the
 19 court.

20 **Sec. 2. A judge pro tempore may serve as a judge of a court**
 21 **regardless of whether the appointed or elected judge of the court**
 22 **is present and available in the building that contains the court.**

23 SECTION 3. IC 33-42-4-1, AS AMENDED BY P.L.76-2014,
 24 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2016]: Sec. 1. The following may subscribe and administer
 26 oaths and take acknowledgments of all documents pertaining to all
 27 matters where an oath is required:

- 28 (1) Notaries public.
 29 (2) An official court reporter acting under IC 33-41-1-6.
 30 (3) Justices and judges of courts ~~in their respective jurisdictions.~~
 31 **anywhere in Indiana.**
 32 (4) The secretary of state.
 33 (5) The clerk of the supreme court.
 34 (6) Mayors, clerks, clerk-treasurers of towns and cities, and
 35 township trustees, in their respective towns, cities, and townships.
 36 (7) Clerks of circuit courts and master commissioners, in their
 37 respective counties.
 38 (8) Judges of United States district courts of Indiana, in their
 39 respective jurisdictions.
 40 (9) United States commissioners appointed for any United States
 41 district court of Indiana, in their respective jurisdictions.
 42 (10) A precinct election officer (as defined in IC 3-5-2-40.1) and



- 1 an absentee voter board member appointed under IC 3-11-10, for
2 any purpose authorized under IC 3.
3 (11) A member of the Indiana election commission, a co-director
4 of the election division, or an employee of the election division
5 under IC 3-6-4.2.
6 (12) County auditors, in their respective counties.
7 (13) Any member of the general assembly anywhere in Indiana.
8 (14) The adjutant general of the Indiana National Guard, specific
9 active duty members, reserve duty members, or civilian
10 employees of the Indiana National Guard designated by the
11 adjutant general of the Indiana National Guard, for any purpose
12 related to the service of an active or reserve duty member of the
13 Indiana National Guard.



COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 81, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 16, after "has" insert ":

- (1) a probate court;**
- (2) a circuit court; or**
- (3)".**

Page 1, line 17, delete "judge" and insert "**judge;**".

Page 1, line 17, beginning with "may," begin a new line blocked left.

Page 1, line 17, after "of" insert "**the probate court judge, the circuit court judge, or**".

Page 2, line 2, delete "superior" and insert "**consenting judge's**".

Page 2, line 3, delete "superior".

Page 2, line 8, after "has" insert ":

- (1) a probate court;**
- (2) a circuit court; or**
- (3)".**

Page 2, line 9, delete "judge" and insert "**judge;**".

Page 2, line 9, beginning with "may," begin a new line blocked left.

Page 2, line 9, after "of" insert "**the probate court judge, the circuit court judge, or**".

Page 2, line 11, delete "superior" and insert "**consenting judge's**".

Page 2, line 12, delete "superior".

Page 2, line 13, delete "superior".

Page 2, line 15, delete "superior".

Page 2, line 16, delete "superior".

and when so amended that said bill do pass.

(Reference is to SB 81 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 10, Nays 0.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 81, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 2, delete "more than one (1)" and insert "a".

Page 2, line 14, delete "more than one (1)" and insert "a".

Page 2, after line 22, begin a new paragraph and insert:

"SECTION 3. IC 33-42-4-1, AS AMENDED BY P.L.76-2014, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. The following may subscribe and administer oaths and take acknowledgments of all documents pertaining to all matters where an oath is required:

- (1) Notaries public.
- (2) An official court reporter acting under IC 33-41-1-6.
- (3) Justices and judges of courts ~~in their respective jurisdictions.~~
anywhere in Indiana.
- (4) The secretary of state.
- (5) The clerk of the supreme court.
- (6) Mayors, clerks, clerk-treasurers of towns and cities, and township trustees, in their respective towns, cities, and townships.
- (7) Clerks of circuit courts and master commissioners, in their respective counties.
- (8) Judges of United States district courts of Indiana, in their respective jurisdictions.
- (9) United States commissioners appointed for any United States district court of Indiana, in their respective jurisdictions.
- (10) A precinct election officer (as defined in IC 3-5-2-40.1) and an absentee voter board member appointed under IC 3-11-10, for any purpose authorized under IC 3.
- (11) A member of the Indiana election commission, a co-director of the election division, or an employee of the election division under IC 3-6-4.2.
- (12) County auditors, in their respective counties.
- (13) Any member of the general assembly anywhere in Indiana.
- (14) The adjutant general of the Indiana National Guard, specific active duty members, reserve duty members, or civilian employees of the Indiana National Guard designated by the adjutant general of the Indiana National Guard, for any purpose



related to the service of an active or reserve duty member of the
Indiana National Guard.".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 81 as printed January 15, 2016.)

WASHBURN

Committee Vote: yeas 10, nays 0.

